



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 29, 2005

John Hancock Life Insurance Co
138 Regis St Ste A
Turlock CA 95382-1108

Re: Emergency Drought Permit No. G4-35031

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Emergency Drought Permit Nos. G4-35002 and G4-35003 were previously issued to the applicant. Each of those permits authorized the construction of a well to irrigate a portion of the place of use being requested here. Because of the cost of drilling two wells, the applicant is now proposing to drill one well to provide water to the entire place of use authorized in G4-35002 and G4-35003. The instantaneous quantity proposed to be withdrawn from this well is 20 gallons per minute (gpm) less than the total instantaneous quantity authorized in G4-35002 and G4-35003, or 1,700 gpm. If this instantaneous quantity cannot be attained from one well, the applicant wants to retain the ability to construct an additional well previously authorized in one of the existing Emergency Drought Permits. The annual quantity authorized in those permits will remain unchanged.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

This authorization is subject to the following limitations and conditions:

This authorization is for a proposed well located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T. 11 N., R. 22 E.W.M.

The wells authorized in Emergency Drought Permit Nos. G4-35002 and G4-35003 **shall not** be constructed unless the instantaneous quantity granted in this authorization cannot be achieved from a single well. In no case shall more than two wells be constructed under Emergency Drought Permit Nos. G4-35002, G4-35003, and G4-35031.

The instantaneous quantity of water to be withdrawn is limited to 1,700 gallons per minute. This quantity is not additive to the instantaneous quantities granted in G4-35002 and G4-35003.

A total of 277.2 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 154 acres. This quantity is not additive to the annual quantities granted in G4-35002 and G4-35003.

The place of use is described as follows:

Yakima County Tax Parcel Nos. 22112933002 within Section 29; and 22113221001, 22113222006, 22113222003, 22113223001, 22113223002, and 22113232006 within Section 32, all within T. 11 N., R. 22 E., W.M., Yakima County, Washington.

The well must comply with the following construction requirements and restrictions:



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- (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of Pomona Member (basalt) of the Saddle Mountain Formation, which is estimated to occur at or below a depth of approximately 300 feet.
- (b) The well casing annulus shall be sealed into the top of the Pomona with a neat cement or neat cement grout. The sealing material shall be placed in the annulus by pumping to seal the entire annulus from the bottom of the casing to the land surface.
- (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing.
- (d) The well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids Member of the Wanapum Formation, which should be encountered at a depth of approximately 900 feet.
- (e) Installation of an airline and an access port for water level measurement is required.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and Chapter 173-160-075 through 173-160-305 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date,

withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This drought emergency authorization expires on October 31, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

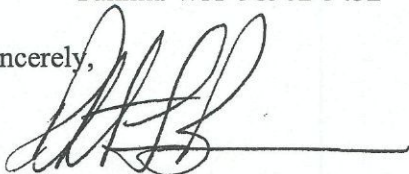
Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office, Dept. of Ecology

RFB:MS:gg/050646

Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Scott Anderson, Manager
Curt Hart, Water Resources Program, HQ